

Substitute Bill No. 6624

January Session, 2013



## AN ACT CONCERNING MINOR REVISIONS TO THE EDUCATION STATUTES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. Subsection (d) of section 10-264*l* of the general statutes is
- 2 repealed and the following is substituted in lieu thereof (Effective July
- 3 1, 2013):
- 4 (d) Grants made pursuant to this section, except those made
- 5 pursuant to subdivision (6) of subsection (c) of this section, shall be
- 6 paid as follows: Seventy per cent by September first and the balance by
- 7 May first of each fiscal year. The May first payment shall be adjusted
- 8 to reflect actual interdistrict magnet school program enrollment as of
- 9 the preceding October first using the data of record as of the
- 10 intervening March first, if the actual level of enrollment is lower than
- 11 the projected enrollment stated in the approved grant application. The
- 12 May first payment shall be further adjusted for the difference between
- 13 the total grant received by the magnet school operator in the prior
- 14 fiscal year and the revised total grant amount calculated for the prior
- 15 fiscal year in cases where the aggregate financial audit submitted by
- the interdistrict magnet school <u>operator</u> pursuant to subdivision (1) of
- 17 subsection (n) of this section indicates an overpayment by the
- 18 department.

- Sec. 2. Subsection (n) of section 10-264*l* of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July* 1, 2013):
- (n) (1) Each interdistrict magnet school <u>operator</u> shall annually file with the Commissioner of Education, at such time and in such manner as the commissioner prescribes, (A) a financial audit [in such form as prescribed by the commissioner] for each interdistrict magnet school operated by such operator, and (B) an aggregate financial audit for all of the interdistrict magnet schools operated by such operator.
  - (2) Annually, the commissioner shall randomly select one interdistrict magnet school operated by a regional educational service center to be subject to a comprehensive financial audit conducted by an auditor selected by the commissioner. The regional educational service center shall be responsible for all costs associated with the audit conducted pursuant to the provisions of this subdivision.
- Sec. 3. Section 10-10b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):
  - [The Department of Education shall require all school districts to include on each student's transcript such student's unique identifier or state-assigned student identifier.] Each local and regional board of education shall include a student's state-assigned student identifier on all official student documents for each student under the jurisdiction of such board of education. For purposes of this section, "official student document" includes, but is not limited to, transcripts, report cards, attendance records, disciplinary reports and student withdrawal forms.
- Sec. 4. Section 10a-55j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):
- [The Board of Regents for Higher Education shall require each] <u>Each</u>
  public institution of higher education and each independent institution
  of higher education that receives state funding [to] <u>shall</u> track the

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- 50 [unique identifiers or] state-assigned student identifiers, [which] that
- are assigned by the Department of Education to public school students,
- of all in-state students of such institution until such students graduate
- 53 from or terminate enrollment at such institution.
- Sec. 5. Section 10-10a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
- 56 (a) As used in this section:
- (1) "Teacher" means any certified professional employee below the rank of superintendent employed by a board of education for at least ninety days in a position requiring a certificate issued by the State Board of Education;
- (2) "Teacher preparation program" means a program designed to qualify an individual for professional certification as an educator provided by institutions of higher education or other providers approved by the Department of Education, including, but not limited to, an alternate route to certification program.
  - (b) The Department of Education shall develop and implement a [state-wide public school information system] state longitudinal data system. The state longitudinal data system shall be designed for the purpose of establishing a standardized electronic data collection and reporting protocol that will facilitate compliance with state and federal reporting requirements, improve school-to-school and district-to-district information exchanges, and maintain the confidentiality of individual student and staff data, including, but not limited to, the results of performance evaluations or other information collected pursuant to section 10-151b, as amended by this act. [The initial design shall focus on student information, provided the system shall be created to allow for future compatibility with financial, facility and staff data. The system shall provide for the tracking of the performance of individual students on each of the state-wide mastery examinations under section 10-14n in order to allow the department to compare the

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- progress of the same cohort of students who take each examination and to better analyze school performance. The department shall assign a unique student identifier to each student prior to tracking the performance of a student in the public school information system.] Information regarding students, educators and school districts shall be collected from local and regional boards of education and other relevant sources.
  - (c) On or before July 1, 2013, the department shall [expand] <u>develop</u> and implement a state longitudinal data system. The state longitudinal data system shall be designed for the purpose of using data collected in the state-wide public school information system as follows:
  - (1) Track and report data relating to student, teacher and school and district performance growth and make such information available to local and regional boards of education for use in evaluating educational performance and growth of teachers and students enrolled in public schools in the state. [Such information shall be collected or calculated based on information received from local and regional boards of education and other relevant sources.] Such information shall include, but not be limited to:
  - (A) [In addition to] Data relating to students shall include, but not be limited to, (i) performance on state-wide mastery examinations pursuant to [subsection (b) of this section, data relating to students shall include, but not be limited to, (i)] section 10-14n, in order to allow the department to compare the progress of the same cohort of students who take each examination and to better analyze school performance, (ii) the primary language spoken at the home of a student, [(ii)] (iii) student transcripts, [(iii)] (iv) student attendance and student mobility, and [(iv)] (v) reliable, valid assessments of a student's readiness to enter public school at the kindergarten level. The department shall assign a unique student identifier to each student prior to tracking the performance of a student in the state longitudinal data system;
- (B) Data relating to teachers shall include, but not be limited to, (i)

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- 113 teacher credentials, such as master's degrees, teacher preparation 114 programs completed and certification levels and endorsement areas, 115 (ii) teacher assessments, such as whether a teacher is [deemed highly 116 qualified pursuant to the No Child Left Behind Act, P.L. 107-110, or 117 deemed to meet [such other] designations as may be established by 118 federal law or regulations for the purposes of tracking the equitable 119 distribution of instructional staff, (iii) the presence of substitute 120 teachers in a teacher's classroom, (iv) class size, (v) numbers relating to 121 absenteeism in a teacher's classroom, [and] (vi) the presence of a 122 teacher's aide, and (vii) performance evaluation data or other 123 information collected pursuant to section 10-151b, as amended by this 124 act. The department shall assign a unique teacher identifier to each 125 teacher prior to collecting such data in the [public school information 126 system] state longitudinal data system;
- 127 (C) Data relating to schools and districts shall include, but not be 128 limited to, (i) school population, (ii) annual student graduation rates, 129 (iii) annual teacher retention rates, (iv) school disciplinary records, 130 such as data relating to suspensions, expulsions and other disciplinary 131 actions, (v) the percentage of students whose primary language is not 132 English, (vi) the number of and professional credentials of support 133 personnel, and (vii) information relating to instructional technology, 134 such as access to computers.
  - (2) Collect data relating to student enrollment in and graduation from institutions of higher education for any student who had been assigned a unique student identifier pursuant to <u>subparagraph (A) of subdivision (1) of this</u> subsection, [(b) of this section,] provided such data is available.
- 140 (3) Develop means for access to and data sharing with the data 141 systems of public institutions of higher education in the state.
- (d) On or before July 1, [2011] <u>2013</u>, and each year thereafter until July 1, [2013] <u>2015</u>, the Commissioner of Education shall report, in accordance with the provisions of section 11-4a, to the joint standing

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- committee of the General Assembly having cognizance of matters relating to education on the progress of the department's efforts to [expand the state-wide public school information system] develop and implement a state longitudinal data system pursuant to subsection (c) of this section. The report shall include a full statement of those data elements that are currently included in the system. [and those data elements that will be added on or before July 1, 2013.]
  - (e) The system database of student information shall not be considered a public record for the purposes of section 1-210. Nothing in this section shall be construed to limit the ability of a full-time permanent employee of a nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, and that is organized and operated for educational purposes, to obtain information in accordance with the provisions of subsection (h) of this section, except that such employee shall not obtain any information relating to performance evaluation data or other information collected pursuant to section 10-151b, as amended by this act.
  - (f) All school districts shall participate in the <u>state longitudinal data</u> system, and report all necessary information required by this section, provided the department provides for technical assistance and training of school staff in the use of the <u>state longitudinal data</u> system.
  - (g) Local and regional boards of education and preschool programs which receive state or federal funding shall participate, in a manner prescribed by the Commissioner of Education, in the [state-wide public school information system described in subsection (b) of this section] state longitudinal data system. Participation for purposes of this subsection shall include, but not be limited to, reporting on (1) student experiences in preschool by program type and by numbers of months in each such program, and (2) the readiness of students entering kindergarten and student progress in kindergarten. Such reporting shall be done by October 1, [2007] 2013, and annually thereafter.

(h) On and after August 1, 2009, upon receipt of a written request to access data maintained under this section by a full-time permanent employee of a nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, and that is organized and operated for educational purposes, the Department of Education shall provide such data, except data relating to performance evaluations and other information collected pursuant to section 10-151b, as amended by this act, to such requesting party not later than sixty days after such request, provided such requesting party shall be responsible for the reasonable cost of such request. The Department of Administrative Services shall monitor the calculation of such fees charged for access to or copies of such records to ensure that such fees are reasonable and consistent with those charged by other state agencies. The Department of Education shall respond to written requests under this section in the order in which they are received.

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- (i) The superintendent of schools of a school district, or his or her designee, may access information in the state-wide public school information system and the state longitudinal data system regarding the state-wide mastery examination, under section 10-14n. Such access shall be for the limited purpose of determining examination dates, examination scores and levels of student achievement on such examinations for students enrolled in or transferring to the school district of such superintendent.
- Sec. 6. Section 42 of public act 12-189 is repealed and the following is substituted in lieu thereof (*Effective from passage*):
- Notwithstanding the provisions of section 15 of [this act] <u>public act</u> 12-189, grants-in-aid for capital start-up costs paid to the Capitol Region Education Council, in accordance with subdivision (1) of subsection [(f)] (e) of section 9 of [this act] <u>public act 12-189</u>, and used pursuant to said subdivision (1) shall not be subject to lien or repayment.

Sec. 7. Subsection (a) of section 10-235 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Each board of education shall protect and save harmless any member of such board or any teacher or other employee thereof or any member of its supervisory or administrative staff, and the State Board of Education, the Board of Regents for Higher Education, the board of trustees of each state institution and each state agency which employs any teacher, and the managing board of any public school, as defined in section 10-183b, including the governing council of any charter school, shall protect and save harmless any member of such boards, or any teacher or other employee thereof or any member of its supervisory or administrative staff employed by it, from financial loss and expense, including legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of alleged negligence or other act resulting in accidental bodily injury to or death of any person, or in accidental damage to or destruction of property, within or without the school building, or any other acts, including but not limited to infringement of any person's civil rights, resulting in any injury, which acts are not wanton, reckless or malicious, provided such teacher, member or employee, at the time of the acts resulting in such injury, damage or destruction, was acting in the discharge of his or her duties or within the scope of employment or under the direction of such board of education, the Board of Regents for Higher Education, board of trustees, state agency, department or managing board; provided that the provisions of this section shall not limit or otherwise affect application of section 4-165 concerning immunity from personal liability. For the purposes of this section, the terms "teacher" and "other employee" shall include (1) any person who is a cooperating teacher [, teacher mentor or assessor] pursuant to section 10-220a, (2) any student teacher doing practice teaching under the direction of a teacher employed by a local or regional board of education or by the State Board of Education or Board of Regents for Higher Education, (3) any student enrolled in a technical high school who is engaged in a

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supervised health-related field placement program which constitutes all or part of a course of instruction for credit by a technical high school, provided such health-related field placement program is part of the curriculum of such technical high school, and provided further such course is a requirement for graduation or professional licensure or certification, (4) any volunteer approved by a board of education to carry out a duty prescribed by said board and under the direction of a certificated staff member including any person, partnership, limited liability company or corporation providing students with communitybased career education, (5) any volunteer approved by a board of education to carry out the duties of a school bus safety monitor as prescribed by said board, (6) any member of the faculty or staff or any student employed by The University of Connecticut Health Center or health services, (7) any student enrolled in a constituent unit of the state system of higher education who is engaged in a supervised program of field work or clinical practice which constitutes all or part of a course of instruction for credit by a constituent unit, provided such course of instruction is part of the curriculum of a constituent unit, and provided further such course (i) is a requirement for an academic degree or professional licensure or (ii) is offered by the constituent unit in partial fulfillment of its accreditation obligations, and (8) any student enrolled in a constituent unit of the state system of higher education who is acting in the capacity of a member of a student discipline committee established pursuant to section 4-188a.

Sec. 8. Subdivision (4) of subsection (a) of section 10-155cc of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(4) "Comprehensive professional development plan" means [(A) for the fiscal years ending June 30, 1991, and June 30, 1992, the professional development plan required and approved pursuant to subdivision (1) of subsection (b) of section 10-220a and the teacher evaluation program report required pursuant to subsection (b) of section 10-151b, or a comprehensive professional development plan

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- required and approved pursuant to subdivision (2) of subsection (b) of section 10-220a and (B)] for the fiscal year ending June 30, 1993, and each fiscal year thereafter, the comprehensive <u>local</u> professional
- 281 development plan [required and approved] <u>developed</u> pursuant to
- [said subdivision (2)] subsection (b) of section 10-220a.
- Sec. 9. Subsection (h) of section 10-145d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July* 1, 2013):
- 286 (h) Any person who is a licensed marital and family therapist, 287 pursuant to section 20-195c, and employed by a local or regional board 288 of education as a marital and family therapist shall provide services to 289 students, families and parents or guardians of students. Not later than 290 [June 1, 2008] July 1, 2014, the State Board of Education shall, in 291 accordance with the provisions of chapter 54, adopt regulations to 292 implement the provisions of this subsection and provide standards for 293 the certification of marital and family therapists employed by local or 294 regional boards of education. Such regulations shall authorize marital 295 and family therapists employed by a local or regional board of 296 education to provide services to student, families and parents or 297 guardians of students and include certification requirements to be met 298 by (1) licensure as a marital and family therapist under section 20-195c, 299 and (2) such other experience as the State Board of Education deems 300 appropriate for the position of marital and family therapist in a school 301 system.
- Sec. 10. Section 10-151c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):
  - Any records maintained or kept on file by any local or regional board of education or by the Department of Education as part of the state longitudinal data system, pursuant to section 10-10a, as amended by this act, which are records of individual teacher performance and evaluation shall not be deemed to be public records and shall not be subject to the provisions of section 1-210, provided [that] any teacher

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310 may consent in writing to the release of such teacher's records by a 311 local or regional board of education. Such consent shall be required for 312 each request for a release of such records. Notwithstanding any 313 provision of the general statutes, records maintained or kept on file by 314 any local or regional board of education which are records of the 315 personal misconduct of a teacher shall be deemed to be public records 316 and shall be subject to disclosure pursuant to the provisions of 317 subsection (a) of section 1-210. Disclosure of such records of a teacher's 318 personal misconduct shall not require the consent of the teacher. For 319 the purposes of this section, "teacher" includes each certified 320 professional employee below the rank of superintendent employed by 321 a board of education in a position requiring a certificate issued by the 322 State Board of Education.

- Sec. 11. Subsection (a) of section 10-95e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July* 1, 2013):
  - (a) The State Board of Education shall establish a Vocational Education Extension Fund. Within said Vocational Education Extension Fund, there is established an account to be known as the "vocational education extension account". The Vocational Education Extension Fund may include other accounts separate and apart from the vocational education extension account. The vocational education extension account shall be used for the operation of preparatory and supplemental programs, including apprenticeship programs in accordance with subsection (b) of this section, and for the purchase of such materials and equipment required for use in the operation of said programs. All proceeds derived from the operation of said programs and revenue collected for rental or use of school facilities shall be credited to and become a part of the resources of said vocational education extension account, except as provided in subsection (b) of this section. All direct expenses incurred in the conduct of said programs shall be charged, and any payments of interest and principal of bonds or any sums transferable to any fund for the payment of

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interest and principal of bonds and any cost of equipment for such operations may be charged, against said vocational education extension account on order of the State Comptroller. Any balance of receipts above expenditures shall remain in said vocational education extension account to be used for said program and for the acquisition, as provided by section 4b-21, alteration and repairs of real property for educational facilities for such programs, except such sums as may be required to be transferred from time to time to any fund for the redemption of bonds and payment of interest on bonds, provided capital projects costing over one hundred thousand dollars shall require the approval of the General Assembly or, when the General Assembly is not in session, of the Finance Advisory Committee. The [State Board of Education] technical high school system board shall fix the tuition fees to be charged students for preparatory and supplemental programs including apprenticeship programs. [, provided the tuition fee to be charged for any single apprenticeship program or course shall not exceed one hundred dollars.] Not less than half of the tuition fee charged for any apprenticeship program shall be paid by the employer.

Sec. 12. Subsection (b) of section 10-16bb of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July* 364 1, 2013):

(b) The coordinated system of early care and education and child development shall (1) create a unified set of reporting requirements for the programs described in subdivision (1) of subsection (b) of section 10-16cc, for the purpose of collecting the data elements necessary to perform quality assessments and longitudinal analysis; (2) compare and analyze the data collected pursuant to reporting requirements created under subdivision (1) of this subsection with the data collected in the [state-wide public school information system] state longitudinal data system, pursuant to section 10-10a, as amended by this act, for population-level analysis of children and families; (3) develop and update appropriate early learning standards and assessment tools for

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children from birth to five years of age, inclusive, that are age and developmentally appropriate and that are aligned with existing learning standards as of July 1, 2013, and assessment tools for students in grades kindergarten to twelve, inclusive; (4) continually monitor and evaluate all early childhood education and child care programs and services, focusing on program outcomes in satisfying the health, safety, developmental and educational needs of all children; (5) develop indicators that assess strategies designed to strengthen the family through parental involvement in a child's development and education, including children with special needs; (6) increase the availability of early childhood education and child care programs and services and encourage the providers of such programs and services to work together to create multiple options that allow families to participate in programs that serve the particular needs of each family; (7) provide information and technical assistance to persons seeking early childhood education and child care programs and services; (8) assist state agencies and municipalities in obtaining available federal funding for early childhood education and child care programs and services; (9) provide technical assistance and consultation to licensed providers of early childhood education and child care programs and services and assist any potential provider of such programs and services in obtaining the necessary licensure and certification; (10) incorporate the quality rating and improvement system developed by the Department of Education that covers home-based, center-based and school-based early child care and learning; (11) maintain a system of accreditation facilitation to assist early childhood education and child care programs and services in achieving national standards and program improvement; (12) create partnerships between state agencies and philanthropic organizations to assist in the implementation of the coordinated system of early care and education and child development; (13) align the system's policy and program goals with those of the Early Childhood Education Cabinet, pursuant to section 10-16z, and the Head Start advisory committee, pursuant to section 10-16n; (14) ensure a coordinated and comprehensive state-wide system of professional development for providers of early childhood

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education and child care programs and services; (15) develop familycentered services that assist families in their communities; (16) provide families with opportunities for choice in services including quality child care; (17) integrate early childhood education and special education services; (18)emphasize targeted research-based interventions; (19) organize services into a coherent system; (20) coordinate a comprehensive and accessible delivery system for early childhood education and child care services; (21) focus on performance measures to ensure that services are accountable, effective and accessible to the consumer; (22) promote universal access to early childhood care and education; (23) ensure nonduplication of monitoring and evaluation; (24) encourage, promote and coordinate funding for the establishment and administration of local and regional early childhood councils that implement local and regional birth-toeight systems; and (25) perform any other activities that will assist in the provision of early childhood education and child care programs and services.

Sec. 13. Subsection (c) of section 10-151b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July* 430 1, 2013):

(c) On or before July 1, 2012, the State Board of Education shall adopt, in consultation with the Performance Evaluation Advisory Council established pursuant to section 10-151d, guidelines for a model teacher evaluation and support program. Such guidelines shall include, but not be limited to, (1) the use of four performance evaluations designators: Exemplary, proficient, developing and below standard; (2) the use of multiple indicators of student academic growth and development in teacher evaluations; (3) methods for assessing student academic growth and development; (4) a consideration of control factors tracked by the [state-wide public school information system] state longitudinal data system, pursuant to subsection (c) of section 10-10a, as amended by this act, that may influence teacher performance ratings, including, but not limited to, student

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characteristics, student attendance and student mobility; (5) minimum requirements for teacher evaluation instruments and procedures, including scoring systems to determine exemplary, proficient, developing and below standard ratings; (6) the development and implementation of periodic training programs regarding the teacher evaluation and support program to be offered by the local or regional board of education or regional educational service center for the school district to teachers who are employed by such local or regional board of education and whose performance is being evaluated and to administrators who are employed by such local or regional board of education and who are conducting performance evaluations; (7) the provision of professional development services based on the individual or group of individuals' needs that are identified through the evaluation process; (8) the creation of individual teacher improvement and remediation plans for teachers whose performance is developing or below standard, designed in consultation with such teacher and his or her exclusive bargaining representative for certified teachers chosen pursuant to section 10-153b, and that (A) identify resources, support and other strategies to be provided by the local or regional board of education to address documented deficiencies, (B) indicate a timeline for implementing such resources, support, and other strategies, in the course of the same school year as the plan is issued, and (C) include indicators of success including a summative rating of proficient or better immediately at the conclusion of the improvement and remediation plan; (9) opportunities for career development and professional growth; and (10) a validation procedure to audit evaluation ratings of exemplary or below standard by the department, or a third-party entity approved by the department, to validate such exemplary or below standard evaluation ratings. The State Board of Education, following the completion of the teacher evaluation and support pilot program, pursuant to section 10-151f, and the submission of the study of such pilot program, pursuant to section 10-151g, shall validate the guidelines adopted under this subsection.

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This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2013	10-264l(d)
Sec. 2	July 1, 2013	10-264l(n)
Sec. 3	July 1, 2013	10-10b
Sec. 4	July 1, 2013	10a-55j
Sec. 5	from passage	10-10a
Sec. 6	from passage	PA 12-189Section 42
Sec. 7	from passage	10-235(a)
Sec. 8	from passage	10-155cc(a)(4)
Sec. 9	July 1, 2013	10-145d(h)
Sec. 10	July 1, 2013	10-151c
Sec. 11	July 1, 2013	10-95e(a)
Sec. 12	July 1, 2013	10-16bb(b)
Sec. 13	July 1, 2013	10-151b(c)

**ED** Joint Favorable Subst.